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News Ombudsman: watchdog or decoy?



[PRESIDENT'S MESSAGE](#)
By Ian Mayes

This presentation was given at ONO's 2009 conference in Washington, D.C.

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Two years ago, the Netherlands Media Ombudsman Foundation started its activities. This foundation has been set up by journalists to raise a voice from inside journalism about ethics and quality standards on a national level for traditional and digital media. It is the goal of the MON-foundation to speak out about ethics issues in journalism, to open a debate about the ruling journalistic standards and the need for adaptation of existing or introduction of new standards for the news media, including the digital ones. The foundation wants to raise more awareness among journalists of their responsible role in a democratic society, hoping this will underline the importance of quality journalism.

An important goal of the foundation is stimulating and facilitating scientific research. At this moment, two research projects are being done: one on ethics codes in journalism, paying special attention to online journalism. This is a project conducted by a PhD-student of Amsterdam University. The other one is the news ombudsman research we are presenting and discussing today.

My name is Huub Evers. I am a professor of media, ethics and diversity at Fontys School of Journalism in Tilburg. I have a BA and MA in theology and ethics and a PhD in communications from Amsterdam University. My thesis Journalism and Ethics dealt with the verdicts of the Dutch Press council. I have been teaching and researching since more than 25 years in the field of media ethics.

I have been a lecturer of communication ethics at Amsterdam University and a guest lecturer of media ethics at Syracuse University and Le Moyne College in the USA, Ankara University in Turkey and Groningen University in the Netherlands.

I am the author of several books and articles on media and communication ethics and intercultural journalism.

The news ombudsman research has been conducted by Fontys School of Journalism in cooperation with the Netherlands Media Ombudsman

Foundation. These were our main research questions:

1. What different kinds of ombudsmen can be found in the Netherlands and elsewhere?
2. How do they work and what about the influence they have on journalistic processes and products?
3. To what degree they can operate independently and critically towards their editorial staff?
4. To what degree and how do they contribute to self-regulation and quality improvement of the media involved?

I. ONO Survey findings:

A survey has been filled out by the participants of the ONO conference held in Stockholm, May 2008. This is what we wanted to know:

- where do they work?
- what backgrounds do they have?
- do they have a statute and/or a column?
- what about their competences?
- what issues are mostly being complained of?
- what are the main topics of their columns?

The conference in Stockholm has been attended by about forty participants. 25 of them are working as an ombudsman or readers' representative. Three participants were a former ombudsman. The survey has been filled out by 18 participants.

Worldwide, we found at least six categories of ombudsmen and readers' representatives:

1. The independent ombudsman having his or her own statute.
2. The ombudsman without a statute.
3. The ombudsman doing this job as a sideline.
4. The ombudsman charged with PR and marketing duties as well.
5. The lawyer charged with the duty as an ombudsman to prevent insurance claims in legal cases and Press Council complaints.
6. The ombudsman charged with the duty to watch and, if needed, to censor the journalistic content.

There is a variety in function designation as well:

1. ombudsman (9)
2. readers' editor (4)
3. public editor (2)
4. readers' representative (1)
5. advisor on journalism ethics (1)
6. community advocate (1)

In almost all cases, (16 out of 18), the decision to appoint an ombudsman has been taken by management and/or editor-in-chief. Twice, the appointment was a consequence of a governmental decision in a media law.

Almost every ombudsman (17 out of 18) has a background in journalism. The other person is a lawyer. He is the one designing his position as community advocate.

A majority (11 out of 18) has been working in the company where they later on have been appointed ombudsman. Formerly, they were active as a member of the editorial staff or management team.

Almost everyone (16 out of 18) is doing his job as an ombudsman more or less full time.

They are performing following tasks:

1. dealing with complaints of readers, viewers or listeners (18)
2. mediating between public and editorial staff (13)
3. monitoring reports with regard to fairness and accuracy (12)
4. advising the editorial staff (7)

A majority (11 out of 18) has its own statute always laying down an independent position.

In almost all cases (16), the editorial staff has the obligation to cooperate with the ombudsman's investigations. Four respondents mention the editorial staff has to adopt the ombudsman's conclusions. One respondent says the editorial staff has to publish a correction if the ombudsman wants them to do so.

What subjects does the public complain about the most?

- Bias 9
- Factual mistakes 8
- Inaccuracy 6
- Unfair conduct 4
- Language issues 3
- Bad taste 3
- Lack of balance in reporting local affairs 2
- Paying less or none attention to issues 2
- Opinions and analyses 2
- Pictures and cartoons 2
- Need for explanation 2

Columns

Almost all ombudsmen (17 out of 18) do have a spoken or written column or a website or a blog. Ten ombudsmen having a column at their disposal, write it weekly. Two ombudsmen write their columns irregularly, two others monthly, two others (both on the internet) daily or almost daily.

All respondents say they decide themselves the subjects of their columns.

Almost all respondents write their columns on the basis of complaints and their own observations. Just one respondent says he writes his

columns only based on his own observations.

Four ombudsmen beforehand offer their column to the editor-in-chief for inspection. They do so just to inform him. One of these respondents observed that this procedure actually is not a good one. Another ombudsman beforehand announces the subject of his column, so that the editor in chief can explain about it if desired.

Three ombudsmen don't offer their column beforehand for inspection, eight do so sometimes. If columns are being offered to the chief editor, it's just for his information.

Following issues are mostly being raised in the columns:

- Pictures 3
- Ethical problems 3
- Language 2
- Standards in online journalism 2
- Balanced reporting 2

II. Dutch ombudsmen and readers' representatives

We made an overview of the Dutch situation: what papers and broadcasting organizations do have an ombudsman or a readers' representative? Do they have an independent position, a statute, a weekly column?

Our inventory shows a great variety as well. There are three ombudsmen in the Netherlands, one working for a national daily, one for a local daily and one for the Dutch public service broadcasting organization. Then, there are eight readers' representatives, all working for local dailies.

Three persons (two ombudsmen and a readers' representative) do have an independency statute. In six cases, their independency is laid down in a contract or job description. Two readers' representatives are not presumed to speak or write critically about their newspaper. The editor-in-chief doesn't appreciate a critical stand.

Seven of them do have a weekly column.

Two persons are full time active as an ombudsman. The others do have a lot of activities such as editorial tasks, supervisor of trainees or public relations activities.

In the Netherlands, a variety of practice and task perception is to be seen: journalistic watchdogs and marketing and PR officers. Explainers of editorial procedures and organizers of readers' events.

Readers' representatives who just react to readers' questions and explain what went wrong and how it could happen.

III. Analysis of ombudsmen's columns

This variety is also to be seen in the analysis of the columns of the

Dutch ombudsmen of Volkskrant and NOS and the readers' editor of Rotterdams Dagblad.

We made an analysis of 200 columns of the Volkskrant ombudsman, 170 columns of the readers representative of Rotterdams Dagblad and 57 columns of the NOS ombudsman.

Till 2005, Het Rotterdams Dagblad was an independent local daily with a circulation of about 90.000 copies in the area of the city of Rotterdam. Now, this newspaper has merged into the national daily Het Algemeen Dagblad.

The readers' representative of Rotterdams Dagblad particularly is the senior journalist who reacts on questions and remarks of the public and who explains the editorial practice, standards and rules. In his opinion, this reacting and explaining the daily newspaper practice must be an important part of his job. Readers come forward rather with questions than complaints. This readers' representative, in charge between 2001 and 2005, was the only one in the Netherlands not originating from the editorial staff of the paper itself.

Main topics of his columns:

1. Most complaints and replies dealt with mistakes and inaccuracy in reports (29).
2. In 18 columns, he explained the editorial policy, e.g. the policy concerning publishing pictures or using press releases or not.
3. Language issues are the subjects of 14 columns, not always as a complaint but as a result of replies of language freaks.
4. In 14 columns, the issue of the news pictures has been discussed.
5. Privacy protection of suspects, criminals and victims is the subject of 11 columns.

It's remarkable, that the subjects of more than half of the columns (93 out of 170) originate from observations of the readers' representative himself and not, though not directly, from the readers. In 20% of the columns, the readers' representative is critical of editorial processes or products, mostly in very reserved terms.

In 28 columns, ethical topics are under discussion.

De Volkskrant is a national daily, an Amsterdam based left wing quality paper with a circulation of about 265.000 copies.

The ombudsman of De Volkskrant is more a reviewer than an explainer. He is the watchdog of the editorial staff. Guiding principle is his opinion, that the editorial staff of his paper has to maintain high quality standards and that they have the duty to put in practice these standards every day.

Main topics of the columns:

1. The issue of 'standards in online journalism' is under discussion in 17 columns in a wide variety of aspects: do the same rules and

- standards apply to the newspapers website than to the paper itself?
2. Another topic that frequently is at stake, in 16 columns, is the privacy protection of suspects, criminals, victims and others: what about the papers carefulness?
 3. In 15 columns the ombudsman deals with what he calls “being in moderation”: doesn’t the newspaper pay too much attention to some topics? Isn’t the combination of picture and text too excessive in some cases?
 4. Language is a rewarding subject as well: 13 columns deal with style and spelling mistakes, suggestive use of words and vulgarization of language.
 5. Frequently readers complain, that headlines don’t fit in with the content: suggestive or sometimes even incorrect headlines are being discussed in 13 columns.

Looking back over the full amount of 200 columns, the most striking finding is, that about a half the columns (98) is based on observations of the ombudsman himself, either because he got annoyed at reports in the paper, or because he explained the editorial policy or he paid attention to important events and developments in the media.

The other half deals with readers’ replies: sometimes a question, but mostly criticism and complaints, e.g. regarding editorial choices.

In the half of all columns (105), the ombudsman criticizes, sometimes very severely, the editorial staff or the editor in chief in particular. In the other half, he agrees with the staff or he explains the papers policy.

Almost the half deals with journalism ethics topics, e.g. privacy protection, the use of anonymous sources and the standards at the papers website.

Sometimes he uses his column as to clarify his own position: what about his independency? Does the editorial staff really take notice of his criticism or is it rather a matter of window dressing?

It has also struck me, that the ombudsman in his columns pays much attention to maintaining the own standards by the editorial staff. In his opinion, the paper must hold on to its norms and standards.

That’s what the readers want it to do. That’s exactly why they have subscribed to this paper.

I also have noticed, that he regularly stresses, especially in his latest columns, the need for transparency and accountability: to explain editorial choices and approaches to the public.

An important issue is the representativeness of the complainers: what does the ombudsman actually know about the people who come forward with their questions and remarks? Is it a matter of exceptions or the tip of the iceberg?

The NOS, Netherlands Broadcasting Foundation, rather late, in 2007, appointed an ombudsman. NOS means Dutch Public Service

Broadcasting Organization. It's the biggest and most important broadcaster of news, current affairs and sports programs on radio and tv in the Netherlands, 24 hours a day. The NOS site on the internet is one of the most favorite news sites.

The board of directors of this broadcasting organization had a varied goal. The presence of an ombudsman should lead to more transparency and accountability, to quality improvement of the reports, to a better access for the public and to an increasing awareness of the producers for what's going on in society.

He deals with complaints and writes a column, where he comments journalistic processes and products. He tests this by the broadcasting code of ethics. Besides, he pays attention to general topics in media and journalism.

Formally, the ombudsman is independent. His findings and conclusions are submitted to the editorial staffs. His columns are being sent as a newsletter to the staff rooms and discussed in the staff meetings. Sometimes, he attends the meetings himself to discuss his columns. The columns are being published on the website and the teletext. He has a weekly talk on the public radio.

The ombudsman has been in charge over more than a year. In that period, he wrote about sixty columns. Following journalistic topics have been under discussion:

1. Neutrality versus values judgments (11). Viewers think, that a public service broadcasting organization has the task to be neutral and as objective as possible.
2. The newsworthiness (10)
3. Privacy issues (6)
4. Completeness and double check (5)
5. Accountability (4)

Compared with his colleagues, the public broadcasting ombudsman seems to take up a middle position. He regularly is critical to processes and products, but explains how these processes are going as well. Besides, he offers the opportunity to editorial staffs to give their explanations.

After having analyzed his columns, it's our conclusion, that this ombudsman is a critical one, who contributes to transparency and accountability. He has the courage to pass negative judgments, well-founded with arguments and observations.

To our opinion, he refers too less to the ethics code. Making references to other media, he is too less explicit and sometimes he applies double standards: on the one hand he stresses that broadcasters have to keep to their own standards, on the other hand he uses other media as an apology: they did it the same way ...

Summarizing the findings of this three ombudsman's columns, we can distinguish three kinds of ombudsmen and readers' representatives:

1. the in-house critic who acts as a quality watchdog, testing processes and products by ethics codes or guidelines
2. the in-house critic and watchdog who doesn't test the editorial practice by ethics standards.
3. the senior journalist who reacts to the public and explains the daily practice of an editorial staff

IV. Conclusions

To our opinion, our research shows, that there are more than enough findings as to conclude, that the news ombudsman in an outstanding way contributes to improvement of journalistic quality. As soon as journalists know that there is someone critically and publicly (in his column) reviewing their daily practice and seriously dealing with complaints of the public on journalistic products, this unmistakably radiates a quality impetus.

For news media willing to increase their reliability to the public and to enhance their journalistic quality, an ombudsman is one of the most appropriate instruments. It seems to be plausible, that media gain reliability and soundness, if the editorial policies are being made accessible for the public.

As far as a shift in task description of an ombudsman is going on, namely from editorial critic to PR officer or even legal advisor, this development doesn't help self-regulation in journalism. The self-regulatory effect of an ombudsman mainly exists in publishing well-founded judgments on journalistic practice.

The degree of independency of an ombudsman and its effect for his position is hard to conclude, even in cases where this has been laid down in a statute. Many ombudsmen, the ones with a statute included, notice to be accountable to the editor in chief or publisher. According to our research, it's a well-founded impression that the really independent ombudsman, critically judging journalistic practice, belongs to a small minority.

V. Recommendations

Ideally the ombudsman is a person

1. who is dealing appropriately and adequately and in a fully independent way with complaints of the public,
2. who critically and publicly judges the quality and presentation of the journalistic products of the media involved,
3. who tests his judgments and opinions by the ethics standards of the media involved,
4. who places his judgments in the context of relevant topics of journalistic ethics.

To eliminate existing scepticism in society, the ombudsman must have the opportunity to operate fully independently. He does not form part of the editorial staff and does not participate in editorial meetings. He compares journalistic products with the ethics standards and

communicates his analyzes and judgments to the public. That means that ethics standards must be public and accessible for readers and viewers, e.g. through the website. These standards must be made explicit in the ombudsman's publications. His procedure must be transparent as well as his statute must be public.

It's also important, that an ombudsman or readers' representative is well accessible him- or herself. A newspaper or broadcasting organization must publish his e mail address, phone number and office-hours in the colophon and on the homepage.

To promote a worldwide uniformity of the news ombudsman's role, it's advisable to use the ONO Mission Statement as a basis for his way of working. It must be stated, that every news organization must have the freedom to draft its own ethics code.

Is it preferable to appoint an ombudsman coming from the editorial staff itself or from the outside? There is an advantage in being a former chief editor or staff member. They know the editorial culture. An outsider may have a greater possibility to act in a fully independent way, certainly if he is appointed for a limited period. That's why it's not an ideal situation to have an editor-in-chief, weekly publishing a letter himself or dealing with questions from the audience. On the one hand, his recommendations are more significant for the editorial policy than the ones of an ombudsman or readers' representative can be, on the other hand there is no independent critical review.

Especially this independence is very important. Moreover, an ombudsman must be well informed about journalistic practice and the existing standards. And he must enjoy the confidence of staff and chief editor. To be reliable for readers or viewers, he must take a critical stand to the staff. That means that he permanently reviews processes and products to the journalistic and ethical principles and standards.

That's the way people with their complaints and remarks have an easy access to a person who takes great pains over it and who challenges the staff to give chapter and verse. That's an important contribution to the transparency and self-regulation of journalism.
